
NEVADA CENTRAL RAILROAD

BASE OF OPERATIONS: 2741 - Pinewood Avenue, Henderson, Nevada 89074
(702) 914-7796

ROBERT ALAN KEMP, D/B/A:

NEVADA CENTRAL RAILROAD

VIA - IMMEDIATE FAX FILING

(Wednesday), March 30, 2011

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 - E. Street, S. W., Room: 100
Washington, D.C. 20423-0001

229070

BY EMERGENCY FAX FILING: 202-245-0461 - 0464

RE: Docket No.

AB-33 (SUB-NO. 297X)

ENTERED
Office of Proceedings

NOTICE OF INTENT

MAR 30 2011

Part of
Public Record

Union Pacific Railroad Company

-- ABANDONMENT EXEMPTION --

Ms. Brown:

Today, I have enclosed the instant original and three copies of: ROBERT ALAN KEMP, D/B/A; NEVADA CENTRAL RAILROAD's: NOTICE OF INTENT.

If You or Your Staff have any questions or comments, please feel free to contact me personally.

Very truly yours,


Robert Alan Kemp (702) 914-7796

Sole Proprietor D/B/A; NEVADA CENTRAL RAILROAD, Henderson, NV 89074

Enclosures: Notice of Intent, Certification of Service

cc: Mr. John I. Digilio, Jr., Vice Chairman - Director/President, ITLS
Mr. Joseph Anthony McNulty, III - Director/Vice President, ITLS

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO: AB-33 (Sub. No: 297X)

**Union Pacific Railroad Company
-- ABANDONMENT EXEMPTION --
IN LAFAYETTE COUNTY, MISSOURI
(LEXINGTON INDUSTRIAL LEAD)**

NOTICE OF INTENT

ROBERT ALAN KEMP, D/B/A;

- NEVADA CENTRAL RAILROAD -

1. Robert Alan Kemp, D/B/A; Nevada Central Railroad, based in Henderson, Nevada, 89074, hereby files his NOTICE OF INTENT to the Board with respect to the future filing by this Petitioner of his (Offer of Financial Assistance) within this proceeding. Following direct and continuing communications between Petitioner and the Union Pacific Railroad Company, hereafter ("UP"), as well as the recent execution of an On-Site Personal Inspection of the subject Rail Line by Petitioner in Lexington, MO, this Petitioner has now decided as of TODAY (Wednesday) March 30th, 2011, to Limit his Acquisition of the subject LEXINGTON INDUSTRIAL LEAD: ["Right of Way"] from Milepost 246.49 near Myrick, Missouri, to a Point Appx: 100' East of the (East Side of the 20th. St. Railroad Crossing), in the City of Lexington, MO. In terms of planned Rail Operations, this Petitioner intends to Terminate his Rail

Operations at a Point Appx: 24-Foot West of the (West Side of the 20th. St. Railroad Crossing) in the City of Lexington, MO., thus eliminating the current 20th. St. Grade Crossing, as well as any and all Rail Operations further East all the way to MP-243.58. By Retaining the existing Railroad ("Right of Way") to a Point Appx: 100' East of the (East Side of the 20th. St. Railroad Crossing), NCR can Maintain Critical and Necessary Drainage of Water from the end of its Right of Way/Rail Line in a direction to the East.

2. This Petitioner has already obtained an Oral Stipulation and Agreement regarding this NOTICE OF INTENT from the Mayor of Lexington, MO., the Honorable Jerry Brown, outlining the agreement concerning the NCR reservation and requirement for Continuing Use and Drainage of Water at the 20th. St. Grade Crossing, in a Direction to the East. This decision will effectively shorten the total length of the Rail Line for which NCR intends to acquire from UP, from Appx: 2.91-Miles, down to Appx: 1.85-Miles. This Petitioner on or about April 15th., 2011 will clearly MARK using (Fluorescent Orange Paint & Wood Stakes and Flags), the contemplated END of his Rail Line to be identified within his OFA, at a point Appx: 24-Foot West of the West Side of 20th. St., and will clearly MARK using (Gloss White Paint & Wood Stakes and Flags), the contemplated END of his Railroad Right of Way, to be further identified within his OFA, at a Point Appx: 100-Foot East of the East Side of the 20th. St. Grade Crossing. Following the provision and acceptance by the Board of Petitioners OFA, Petitioner will File a Supplement to his OFA based on the execution of a precise Legal Survey and Map specifically detailing the Precise Legal Description of the MP location of the END of his Rail Line, Appx: 24-Foot West on the West Side of the 20th., St. Grade Crossing, as well as the END of his "Right of Way" Appx: 148-Foot further East.

3. As a result of this decision by Petitioner, NCR hereby effectively Stipulates to the ABANDONMENT by the Union Pacific Railroad Company of the Railroad "Right of Way" from a Point Appx: 100-Foot East of the (East Side of the 20th. St. Grade Crossing), in the City of Lexington, MO., to the end of the line at MP-243.58. However this action by NCR concerning the "Right of Way" will NOT affect NCR's continuing rights to the Acquisition of any and all "Rail, Associated Hardware, and Roadbed Materials including Ballast" located within the entire line from MP-246.49 near the Switch at Myrick Junction to the end of the line at MP-243.58 in Lexington, as well as any and all Safety Equipment presently stored and or installed

within the existing Right of Way.

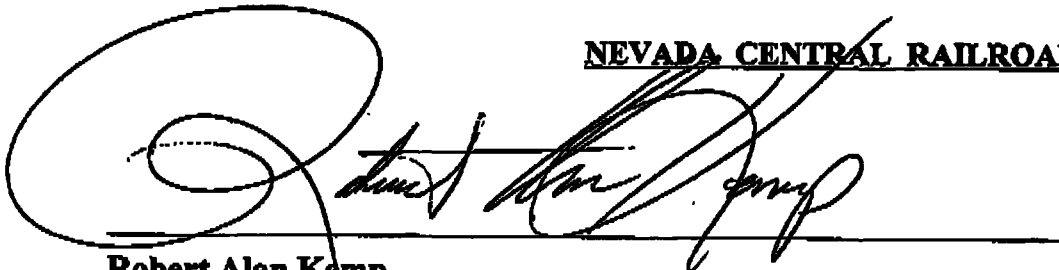
4. This Petitioner is now in the process of transmitting a Proposal to UP outlining the contemplated Realignment of the Appx: 1.85-Mile Rail Line for which Petitioner intends to identify within his OFA, that may provide the basis of additional Limitations to his OFA as a means to save UP costs ranging from Appx: (\$ 250-K. to \$ 500-K.), necessary to restore a Bridge unlawfully removed by UP located Appx: 1-Mile on the line North-East of the Switch at Myrick Junction. This Realignment is also supported by the City of Lexington, and further involves the provision by the City of Lexington of Real Property to NCR as necessary to enable NCR to Realign the Appx: 1.85-Miles of Rail Line at a location in general running adjacent to the existing UP Mainline parallel to the Missouri River. NCR will however first need to obtain the documented support/stipulation by UP before terminating additional rights to the Acquisition of any portion of the existing 1.85-Mile Rail Line and or Related Rail and Roadbed Material. Petitioner will continue to appraise the Board of any and all developments regarding the potential to Realign his "Right of Way" generating significant savings to UP.

Respectfully submitted this:

30th. Day of March, 2011.

by: ROBERT ALAN KEMP, D/B/A:

NEVADA CENTRAL RAILROAD

A large, stylized handwritten signature in black ink, appearing to read 'Robert Alan Kemp', is written over a horizontal line.

Robert Alan Kemp
Individual Sole Proprietor: NEVADA CENTRAL RAILROAD
2741 - Pinewood Avenue,
Henderson, Nevada, 89074 (702) 914- 7796

CERTIFICATE OF SERVICE


I, **Robert Alan Kemp**, hereby certify that (3-EA.) copies of the instant (4 -Page): **NOTICE**, along with the enclosed Proof of Service Sheet filed by Robert Alan Kemp to the SURFACE TRANSPORTATION BOARD, was personally mailed by the undersigned this 30th., day of March, 2011, via First Class US-Mail, as well as a single copy of same to:

UNION PACIFIC RAILROAD COMPANY C/O:

Mack H. Shumate, Jr., Senior General Attorney
101 - North Wacker Drive, Room: 1920
Chicago, Illinois 60606
(312): 777-2055 Voice
(312): 777-2065 Fax

CITY OF LEXINGTON, MO.

Honorable Mayor of Lexington
Col. Jerry Brown
919 - Franklin Avenue,
Lexington, MO 64067
(660) 259- 4633
(660) 259- 4093



Robert Alan Kemp, ("NCR")
(702) 914- 7096